

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 42, Pages 1 and 2, Sections 161.091 and 167.131, by removing all of said
2 sections from the bill inserting in lieu thereof the following:

3
4 "167.131. 1. The board of education of each district in this state that does not maintain [an
5 accredited] a high school [pursuant to the authority of the state board of education to classify schools
6 as established in section 161.092] offering work through the twelfth grade shall pay [the] tuition [of]
7 as calculated under subsection 2 of this section by the receiving district or approved charter school as
8 defined in 167.848, and provide transportation consistent with the provisions of section 167.241 for
9 each pupil resident therein who has completed the work of the highest grade offered in the schools of
10 the district and who attends an accredited public high school in another district of the same or an
11 adjoining county.

12 2. The rate of tuition to be charged by the district attended, or the approved charter school
13 attended, and paid by the sending district is the per pupil cost of maintaining the district's grade level
14 grouping which includes the school attended. The cost of maintaining a grade level grouping shall
15 be determined by the board of education of the district but in no case shall it exceed all amounts
16 spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The
17 term "debt service", as used in this section, means expenditures for the retirement of bonded
18 indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level
19 grouping shall be determined by dividing the cost of maintaining the grade level grouping by the
20 average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the
21 facts shall be submitted to the state board of education, and its decision in the matter shall be final.
22 Subject to the limitations of this section, each pupil shall be free to attend the public school of his or
23 her choice."; and

24
25 Further amend said bill, Page 2, Section 167.132, Lines 1-68, by deleting all of said section and
26 inserting in lieu thereof the following:

27
28 "167.132. 1. Notwithstanding the provisions of section 167.131, a school district or
29 approved charter school as defined in section 167.848 receiving students due to the unaccredited
30 status of a sending school district may negotiate with the sending district to accept a reduced tuition
31 rate. If the receiving district or approved charter school elects to accept tuition as calculated under
32 subsection 2 of this section, such district or approved charter school shall receive students through
33 the transfer authority based solely on the parent request and available seats.

34 2. In school year 2015-16 and subsequent years, when an accredited district and a receiving
35 district or approved charter school have agreed upon a reduced tuition, tuition shall be calculated as
36 follows:

Action Taken _____ Date _____

(1) Multiply the full-time equivalent membership, as defined in section 163.011, of the transfer students to any receiving district or approved charter school by the amount of the state adequacy target used by the department of elementary and secondary education in calculating the current year formula apportionments under section 163.031;

(2) Multiply the amount derived in subdivision (1) of this subsection by the dollar value modifier of the receiving district or approved charter school used in calculating the current year formula apportionment;

(3) Multiply the amount derived in subdivision (2) of this subsection by the percentage formula adjustment, if any, used by the department in calculating the current year formula apportionment; and

(4) Add to the amount derived in subdivision (3) of this subsection the payment amount based on full-time equivalent membership used in the prior year for distribution of the funds from the school district trust fund under section 163.087 multiplied by the full-time equivalent membership of the transfer students attending the receiving district or approved charter school.

If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final."; and

Further amend said bill, Page 4, Section 167.132, Line 68, by inserting immediately after all of said line the following:

"167.826. 1. Any student who is enrolled in and has attended for at least one semester an unaccredited school in an unaccredited district, a district that was once unaccredited, or a state oversight district may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education. However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet such admissions requirements in order to attend. The school board of each unaccredited district shall determine the capacity at each of the district's schools that is assigned a classification designation of accredited or accredited with distinction. The district's school board shall be responsible for coordinating transfers from unaccredited schools to accredited schools within the district. The school board of each unaccredited district shall annually report to the appropriate education authority the number of available slots in accredited schools within the district, the number of students who request to transfer within the district, and the number of such transfer requests that are granted. Enrollment in a virtual school provided by an unaccredited school district shall not affect the number of available slots.

2. Any student who is enrolled in and has attended an unaccredited school in an unaccredited district for at least one semester who is unable to transfer to another accredited school within his or her district of residence under subsection 1 of this section may apply to the appropriate education authority by March first to transfer to an accredited school within an accredited district located in the same or an adjoining county. Such a student may also apply to enroll in an approved charter school, as defined in section 167.848. A student who is eligible to begin kindergarten or first grade at an unaccredited school in an unaccredited district may apply to the appropriate education authority for a transfer if he or she resides in the attendance area of an unaccredited school in an unaccredited district on March first preceding the school year of first attendance. A student who does not apply by March first shall be required to enroll and attend for one semester to become eligible. If the

1 student chooses to apply to attend a magnet school, an academically selective school, or a school
 2 with a competitive entrance process that has admissions requirements, the student shall furnish proof
 3 that he or she meets such admissions requirements. Any student who does not maintain residency in
 4 the attendance zone of his or her unaccredited school in the unaccredited district of residence shall
 5 lose eligibility to transfer. Any student who transfers but later withdraws shall lose eligibility to
 6 transfer. The transfer provisions of this subsection shall not apply to a district created under sections
 7 162.815 to 162.840 or to any early childhood programs or early childhood special education
 8 programs.

9 3. No provisionally accredited district or provisionally accredited school shall be eligible to
 10 receive transfer students; however, a transfer student who chooses to attend a provisionally
 11 accredited school in the unaccredited district shall be allowed to transfer to such school if there is an
 12 available slot. No unaccredited district or unaccredited school shall be eligible to receive transfer
 13 students. No district or school with a three-year average score of seventy-five percent or lower on its
 14 annual performance report under the Missouri school improvement program shall be eligible to
 15 receive any transfer students, irrespective of its state board of education classification designation,
 16 except that any student who was granted a transfer to such a district or attendance center prior to the
 17 effective date of this section may remain enrolled in that district or school.

18 4. Notwithstanding the provisions of subsection 3 of this section, a student may transfer to an
 19 accredited school within an unaccredited or provisionally district, if the accredited school applies for
 20 and is granted a waiver by the department of elementary education to allow the school to accept
 21 transfer students.

22 5. For a receiving district, no acceptance of a transfer student shall require any of the
 23 following actions, unless the board of education of the receiving district has approved the action:

24 (1) A class size and assigned enrollment in a receiving school that exceeds the number of
 25 students provided by its approved policy on class size under subsection 6 of this section;

26 (2) The hiring of additional classroom teachers; or

27 (3) The construction of additional classrooms.

28 6. Each receiving district shall have the right to establish and adopt, by objective means, a
 29 policy for desirable class size and student-teacher ratios. A policy may allow for estimated growth in
 30 the resident student population. Any district that adopts such a policy shall do so by January first
 31 annually. A receiving district shall publish its policy and shall not be required to accept any transfer
 32 students under this section that would violate its class size or student-teacher ratio. If a student
 33 seeking to transfer is denied admission to a district based on a lack of space under the district's
 34 policy, the student or the student's parent or guardian may appeal the ruling to the state board of
 35 education if he or she believes the district's policy is unduly restrictive to student transfers. If more
 36 than one student or parent appeals a denial of admission from the same district to the state board of
 37 education, the state board shall make an effort to hear such actions at the same time. If the state board
 38 of education finds that the district's policy is unduly restrictive to student transfers, the state board
 39 may limit the district's policy. The state board's decision shall be final.

40 7. Each receiving district shall adopt a policy establishing a tuition rate by February first
 41 annually. The rate of tuition to be charged by the district attended and paid by the sending district is
 42 the per-pupil cost of maintaining the receiving district's grade level grouping which includes the
 43 school attended, unless the receiving district has agreed to take a reduced tuition rate as provided in
 44 subsection 2 of section 167.132.

45 8. If an unaccredited district becomes classified as provisionally accredited or accredited
 46 without provisions by the state board of education, any resident student of the unaccredited district
 47 who has transferred to an accredited district in the same or an adjoining county or to an approved
 48 charter school shall be permitted to continue his or her educational program in the receiving district

1 or charter school through the completion of middle school, junior high school, or high school,
 2 whichever occurs first, except that a student who attends any school serving students through high
 3 school graduation but starting at grades lower than ninth grade shall be permitted to complete high
 4 school in the school to which he or she has transferred.

5 9. Notwithstanding the provisions of subsection 7 of this section to the contrary, where costs
 6 associated with the provision of special education and related services to a student with a disability
 7 exceed the tuition amount established under this section, the unaccredited district shall remain
 8 responsible to pay the excess cost to the receiving district. When the receiving district is a
 9 component district of a special school district, the unaccredited district, including any metropolitan
 10 school district, shall contract with the special school district for the entirety of the costs to provide
 11 special education and related services, excluding transportation pursuant to this section. The special
 12 school district may contract with an unaccredited district, including any metropolitan district, for the
 13 provision of transportation of a student with a disability or the unaccredited district may provide
 14 transportation on its own.

15 10. A special school district shall continue to provide special education and related services,
 16 with the exception of transportation under this section, to a student with a disability transferring from
 17 an unaccredited school within a component district to an accredited school within the same or a
 18 different component district within the special school district.

19 11. When any metropolitan school district is declared unaccredited, it shall remain
 20 responsible for the provision of special education and related services, including transportation, to
 21 students with disabilities. A special school district in an adjoining county to a metropolitan school
 22 district may contract with the metropolitan school district for the reimbursement of special education
 23 services under sections 162.705 and 162.710 provided by the special school district for transfer
 24 students who are residents of the unaccredited district.

25 12. Regardless of whether transportation is identified as a related service within a student's
 26 individualized education program, a receiving district that is not part of a special school district shall
 27 not be responsible for providing transportation to a student transferring under this section. An
 28 unaccredited district may contract with a receiving district that is not part of a special school district
 29 under sections 162.705 and 162.710 for transportation of students with disabilities.

30 13. When a seven-director school district or urban school district is declared unaccredited, it
 31 may contract with a receiving district that is not part of a special school district in the same or an
 32 adjoining county for the reimbursement of special education and related services under sections
 33 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the
 34 unaccredited district.

35 167.848. For purposes of sections 161.084, 161.087, 161.238, 162.1310, 162.1312, 167.131,
 36 167.132, 167.642, 167.685, and 167.688, and 167.826 to 167.848, the following terms shall mean:

37 (1) "Accredited district", a school district that is accredited by the state board of education
 38 pursuant to the authority of the state board of education to classify schools as established in sections
 39 161.087 and 161.092;

40 (2) "Accredited school", an attendance center that is accredited by the state board of
 41 education pursuant to the authority of the state board of education to classify schools as established
 42 in sections 161.087, 161.092, and 161.238;

43 (3) "Approved charter school", a charter school in a neighboring district in the same or
 44 adjoining county with a three-year average score of seventy percent or higher on its annual
 45 performance report; however, any charter school that has existed for less than three years may
 46 request permission from the department of elementary and secondary education to accept transfers
 47 and any new charter applicants that file with the department may make accepting transfers a part of
 48 the new charter school's mission;

1 (4) "Attendance center", a public school building or buildings or part of a school building
2 that constitutes one unit for accountability purposes under the Missouri school improvement
3 program;

4 (5) "Borderline district", a school district that has a current annual performance report score
5 between seventy-five and seventy with the last two consecutive years showing a decline in the score,
6 with a district third-grade or eighth-grade statewide reading assessment that shows fifty percent or
7 more of the students are at a level less than proficient, and a transient student ratio in the top quartile
8 of districts;

9 (6) "Education authority" or "authority", an education authority established under sections
10 167.830 to 167.845;

11 (7) "Provisionally accredited district", a school district that is classified as provisionally
12 accredited by the state board of education pursuant to the authority of the state board of education to
13 classify schools as established in sections 161.087 and 161.092;

14 (8) "Provisionally accredited school", an attendance center that is classified as provisionally
15 accredited by the state board of education pursuant to the authority of the state board of education to
16 classify schools as established in sections 161.087, 161.092, and 161.238;

17 (9) "Unaccredited district", a school district classified as unaccredited by the state board of
18 education pursuant to the authority of the state board of education to classify schools as established
19 in sections 161.087 and 161.092;

20 (10) "Unaccredited school", an attendance center that is classified as unaccredited by the
21 state board of education pursuant to the authority of the state board of education to classify schools
22 as established in sections 161.087, 161.092, and 161.238;

23 (11) "Underperforming", a school district or an attendance center that has been classified as
24 unaccredited or provisionally accredited pursuant to the authority of the state board of education to
25 classify schools or has a three-year average annual performance report score consistent with a
26 classification of provisionally accredited or unaccredited."; and

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28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.
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